

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	FINAL ORDER OF
-v.-	:	<u>FORFEITURE</u>
	:	
EVELIN JIMENEZ,	:	S3 18 Cr. 879 (SHS)
	:	
Defendant.	:	
	:	
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WHEREAS, on or August 4, 2020, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (D.E. 233) forfeiting to the Government all right, title and interest of EVELIN JIMENEZ (the “Defendant”) in, *inter alia*, the following property:

a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, known and described as 4570 Henry Hudson Parkway, Bronx, New York 10471-3807, parcel number 5813-131, and in the full legal description attached hereto as Exhibit ‘A’

(the “Subject Property”);

WHEREAS, 4570 HH Pkwy LLC is the titled owner of the Subject Property;

WHEREAS, on or about September 12, 2022, this Court entered a Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 469), which ordered the forfeiture to the United States of all right, title and interest of co-defendant ARIEL JIMENEZ, in among other things, the Subject Property;

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Subject Property, and the requirement that any person asserting a legal interest in the Subject Property must file a petition with the Court in

accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Subject Property before the United States can have clear title to the Subject Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Subject Property was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) beginning on August 19, 2020, for thirty (30) consecutive days, through September 17, 2020 pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on September 9, 2024 (D.E. 572);

WHEREAS, on or about January 19, 2023, Notice of the Preliminary Order of Forfeiture was sent by the United States Postal Service, certified mail or electronic mail to:

- a. 4570 HH Pkwy, LLC, 4570 Henry Hudson Parkway, Bronx, NY 10471;
- b. Arsenio Jimenez, a/k/a Arsenio Jimenez Reyes, Bronx, NY 10468;
- c. Fifth Avenue Capital III, LLC, 521 Fifth Avenue, Ste 1804, New York, NY 10175; and
- d. Michael Bonneville, Kriss & Feuerstein, [mbonneville@kandflp.com](mailto:mbonneville@kandflp.com);

(a. through d., collectively, the "Noticed Parties");



WHEREAS, on or about January 3, 2024, 4570 HHP Lender LLC (the “Lender”) notified the Government of its interest in the Subject Property resulting from a mortgage it held on the Subject Property;

WHEREAS, on or about January 19, 2024, the Court entered a Stipulation and Order between the Government and the Lender wherein the Government acknowledged the superior interest of the Lender in the Subject Property and agreed to satisfy the Lender’s lien from the proceeds of the sale of the Subject Property (D.E. 552);

WHEREAS, on or about April 4, 2023, Ashley Medina submitted a petition as to the Subject Property, individually and as holding power of attorney for Arsenio Jimenez, asserting an interest in the Subject Property (the “Medina Petition”) (D.E. 509);

WHEREAS, on or about the Government submitted a Motion to Dismiss the Medina Petition (D.E. 527) (the “Motion to Dismiss”);

WHEREAS, on or about October 18, 2023, the Court issued an Opinion and Order granting the Government’s Motion to Dismiss the Medina Petition filed by Ashley Medina, both individually and as the holder of a power of attorney for Arsenio Jimenez (D.E. 538);

WHEREAS, after final publication of the Notice of Forfeiture, thirty (30) days expired and no petitions, other than the Medina Petition, or claims were filed by any other third party, to contest the forfeiture of the Subject Property;

WHEREAS, the Defendant, the Lender, Ashley Medina, and the noticed parties are the only persons and/or entities known by the Government to have a potential interest the Subject Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest

the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Subject Property, including but not limited to the right, title and interest of 4570 HH Pkwy, LLC or any other third-party, is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Subject Property.

3. The Department of Treasury (or its designee) shall take possession of the Subject Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York  
September 11, 2024

SO ORDERED:

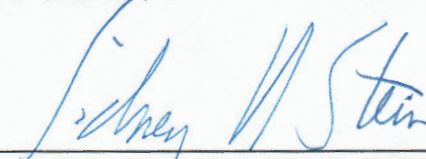
  
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HONORABLE SIDNEY H. STEIN  
UNITED STATES DISTRICT JUDGE

EXHIBIT A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Borough and County of Bronx, City and State of New York, bounded and described as follows

BEGINNING at a point on the easterly side of Henry Hudson Parkway East (Service Road) (Riverdale Avenue), 50 feet wide, distant 180 feet southerly from the corner formed by the intersection of the easterly side of Henry Hudson Parkway East and the southerly side of West 246<sup>th</sup> Street, 80 feet wide;

RUNNING THENCE easterly, at right angles to Henry Hudson Parkway East, 112.50 feet,

THENCE southerly, parallel with Henry Hudson Parkway East, 90 feet;

THENCE westerly, at right angles to Henry Hudson Parkway East, 90 feet to the easterly side of Henry Hudson Parkway East;

THENCE northerly along the easterly side of Henry Hudson Parkway East, 90 feet to the point or place of BEGINNING

Premises Known As: 4570 Henry Hudson Parkway, Bronx, New York 10471